

**THE HONOURABLE SRI JUSTICE V. ESWARAI AH**

**WRIT PETITION No.2497 OF 2006**

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**Dated: 10-02-2006**

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**Between**

M/s Sri Vijaya Constructions, D.No.12-21/1,

Gouthami Nagar, Mancherial, Adilabad

District, rep. by its Managing Partner,

V. Seetha Ramaiah, S/o. Venkata Subbaiah,

Occ: Business, R/o. H.No.12-21/1, Gouthami

Nagar, Mancherial, Adilabad District.

...PETITIONER

**AND**

The Mancherial Municipality, rep. by its

Commissioner, Mancherial, Adilabad District.

...RESPONDENTS

**ORDER:**

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Learned counsel for the petitioner submits that the petitioner-firm obtained a permission for construction of residential apartment consisting of Stilt, Ground + 3 floors over an extent of 700 Sq. yards in Sy.No.207 situated at Mancherial vide permission No.681/G1/2005 – B.A.No.25/05-06 dated 09.05.2005. Thereafter, the petitioner-firm proceeded with the construction of the apartment. On the ground that there are certain deviations, a notice under Section 217(1) & (2) of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') has been issued on 03.01.2006 calling upon the petitioner to stop the construction

forthwith and show cause as to why the illegal construction shall not be removed within seven days. Even before the expiry of the seven days another notice in C.O.No.4/UCR/2005-06 dated 07.01.2006 has been issued stating that no explanation has been submitted to the earlier notice dated 03.01.2006 and accordingly the petitioner was directed to remove the illegal constructions within three days otherwise the respondents would demolish the same at the cost of the petitioner. Questioning the said notice dated 07.01.2006 this writ petition has been filed.

Admittedly, in the notice dated 03.01.2006 seven days time was stipulated to offer explanation or to rectify the alleged deviations but even before the expiry of the seven days the second notice dated 07.01.2006 has been issued.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, the notice dated 07.01.2006 issued under Section 217(3) of the Act is set aside permitting the petitioner to file an explanation within ten days from today and on receiving the explanation the respondents shall consider and dispose the same in accordance with law. However, it is made clear that the petitioner also shall not make any further constructions as directed by the respondent vide notice dated 03.01.2006 pending final orders pursuant to the explanation that may be filed.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 10, 2006

Note: Furnish C.C. of the order in two days.

**(B/O)**

DSK